UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
CHEN, ALAN S

ART UNIT	PAPER NUMBER
2182	

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _29 April 2005_.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-26_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-9 and 12-26_ is/are rejected.

7)☒ Claim(s) _10 and 11_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED FINAL ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 1-9 and 12-21 have been considered but are

moot in view of the new ground(s) of rejection.

2.   Applicant arguments attempt to distinguish "end of persistence" events from the

disconnection of the peripheral device disclosed by Kanojia. "Persistence" is defined as:

"...continuing without change in function or structure" (Merriam-Webster's Collegiate

Dictionary, Tenth Edition). Under the broadest reasonable interpretation of the claims, "end of

persistence" in the context that it is written in the claims, is thereby interpreted to mean any

event that causes a change in the operating state of a computing device. Thus, disconnection

events disclosed by Kanojia, e.g., physical and software disconnection of a peripheral device,

fully falls under the definition of "end of persistence"

3.   Examiner notes that while the applicant's invention is tailored towards use in a retail

setting such as in a hotel where an internet connection is severed based on a time limit, etc., the

claims, particularly the independent claims, are broad enough to read outside this setting. The

scope of the claims relate strictly to computing devices, irrelevant to a specific application of the

computing device.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

5.   Claims 1-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6.   The term "end of persistence" in claims 1, 17, 18, 19, 20 and 21 has been rendered indefinite by a negative limitation "regardless of whether the peripheral device is connected to the computing device" in the amendment. Originally, prior to the amendment, the Examiner interprets "end of persistence" in the context of the original claims to mean any event that causes the computing device to change its current operation, such as the physical disconnection of a peripheral device. However, the applicant attempts to change the scope of this definition by adding the negative limitation, where "end of persistence" now means something different, e.g., the computing device now must be able to handle situations where a peripheral device is still connected to the computing device and any form of disconnection event occurs. "End of persistence" as of the current amendment, is now open ended, where the metes and bounds of the term are not definite as required by U.S.C. 112 2nd paragraph (MPEP 2173.05(i)).

7.   Claims dependent on claims 1, 17, 18, 19, 20 and 21 are rejected as being dependent on a rejected base claim.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 1-9 and 12-26 are rejected under 35 USC 103(a) as being unpatentable over

Kanojia in view of Windows 2000 Quick Fixes (hereafter Windows 2000).

10.   Per claims 1, 17, 18, 20 and 21 Kanojia discloses a method (Fig. 7 and 8), a computer

readable medium (Fig. 2A, element 220), a computing device (Fig. 2A, element 220), a system

(Fig. 2A), and a method (Fig. 2A, element 220), respectively, comprising: a memory (per claim

17, Fig. 2A, element 220 has register(s) that stores a message to transmit to system manager, as

shown in Fig. 3, element 1); a peripheral device (Fig. 8, element 1016); receiving an indicator of

an end of persistence for a peripheral device (the indicator is the driver that is stored and

installed on database, Fig. 2A, element 130 and Column 2, lines 50-67; the presence of the driver

indicates the existence of the peripheral and the possibility that the peripheral will be

disconnected); monitoring for an event related to the end of persistence (Fig. 2A, element 220

receives is notified of a disconnection of a device, Fig. 8; column 17, lines 28-45); and removing

support information associated with the peripheral device based on detection of the event related

to the end of persistence (Fig. 8, element 1022, driver uninstalled).

Kanojia does not disclose expressly receiving an indication of an end of persistence for a

peripheral device regardless of whether the peripheral device is connected to the computing

device.

Windows 2000 discloses the ability via software to remove or disable unneeded devices,

even while the peripheral device is connected to the system (section 2.3 of Windows 2000).

Kanojia and Windows 2000 are analogous art because they are from the same field of

endeavor in uninstalling support information based on the end of persistence of a peripheral

device. Additionally, Kanojia involves network devices that require network operating system to drive it (e.g., it is well known Windows 2000 can be used as a network operating system).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to receive an indication of the end of persistence of a peripheral device regardless of whether the peripheral device is connected to the computing device.

The suggestion/motivation for doing so would have been the built-in ability of operating systems such as Windows 95, 98, 2000 etc. to disable/remove peripheral drivers by software even while the peripheral is still physically connected. The user obviously may want to remove a peripheral device if it is not frequently used, has hardware failures, taking up valuable hardware/software resources within the computing system, etc.

Therefore, it would have been obvious to combine Kanojia with Windows 2000 for the benefit of software disablement of peripheral devices, while they are physically connected, based on various intentions of the user such the lack of use or failure of a hardware peripheral device.

11.   Per claim 2, Kanojia combined with Windows 2000 discloses claim 1, Kanojia further disclose the act of storing an indicator of the end of persistence (device id and driver information is stored in system agent, Fig. 7, element 1002 and Fig. 1, element 220; part of the indicator is also device presence/status, Fig. 7, element 1014).

12.   Per claims 3, 4 and 19, Kanojia combined with Windows 2000 disclose claims 2 and 18, Kanojia further disclosing the act of monitoring for an event comprises storing the indicator in a database of configuration settings associated with the computing device (when the peripheral device is plugged in, the system agent searches for device driver in a database, Fig. 7, element 1006 and Column 2, lines 48-53; if the driver is not already present, the driver is downloaded

and stored, Fig. 7, element 1010). The driver is uninstalled from the database when the

disconnection event occurs, in Fig. 8, element 1022.

13.   Per claims 5-7, Kanojia combined with Windows 2000 discloses claims 1, wherein it is

inherent that the event monitor is based off a thread since threads are the fundamental work unit

of an operating system and the operating system is a requirement for computer systems to

work/boot. Furthermore, the driver is installed prior to the monitoring of the disconnect event

(the steps in Fig. 8 only happen if the driver is installed).

14.   Per claim 8, Kanojia combined with Windows 2000 discloses claim 1, Kanojia further

disclosing associating a type and address associated with the physical location of the peripheral

device (the globally unique identifier disclosed in Fig. 2C, elements 1012 and 1014 and Fig. 3;

Column 10, lines 50-67); and subsequently messages related to using this peripheral device

identification, e.g., install driver, status of peripheral etc, can then be communicated.

15.   Per claim 9, Kanojia combined with Windows 2000 discloses claim 8, further comprising

the act of providing a representation comprises the acts of accessing the representation via a

browser application on the computing device (Fig. 2A, element 110 being interfaced by web

page).

16.   Per claims 12, 13 and 16, Kanojia combined with Windows 2000 discloses claim 8,

Kanojia further disclosing comparing the information to a database of driver information and

determines if the driver is already installed or not and whether to reinstall it (Column 2, lines 45-

55 and Fig. 7, elements 1006-1012).

17.   Per claims 14 and 15, Kanojia combined with Windows 2000 discloses claim 8, Kanojia

further disclosing receiving an indication of a location of support information appropriate for the

computing device (Fig. 7, element 1008); retrieving the support information from the location

(Fig. 7, element 1010). Kanojia further discloses using TCP/IP, an Internet Protocol, for

transmission of data (Column 7, lines 30-40).

18.   Per claims 22-26, Kanojia combined with Windows 2000 discloses claim 21, where

Windows 2000 inherently being graphically driven, e.g., use of icons to manipulate

physical/functional objects of the operating system. Windows 2000 also discloses setting the end

of persistence of the device based on the user selecting whether to disable or remove the device

(the user intent to remove/disable the device dependent on various reasons the user may have).

Allowable Subject Matter

19.   Claims 10 and 11 are objected to as being dependent upon a rejected base claim, but

would be allowable if rewritten in independent form including all of the limitations of the base

claim and any intervening claims.

Conclusion

20.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

21.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

The following patents are cited to further show the state of the art with respect to

monitoring the end of persistence events of peripheral devices:

U.S. Pat. No. US006618772B1 to Kao et al.

U.S. Pat. No. US005687379A to Smith et al.

U.S. Pat. No. US005434562A to Reardon.

U.S. Pat. Pub. No. US20010037391A1 to West et al.

22.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Alan S Chen whose telephone number is 571-272-4143. The

examiner can normally be reached on M-F 8:30am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeffrey A Gaffin can be reached on (571) 272-4146. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KIM HUYNH
PRIMARY EXAMINER

6/8/05